

# Election of University of Minnesota Regents

November 2019

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The University of Minnesota is governed by a board of 12 regents elected by the Minnesota Legislature. This document describes the process for recruiting, reviewing, and electing regents.

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## **The legislature elects regents to staggered six-year terms**

The University of Minnesota Charter, which is perpetuated by the Minnesota Constitution, requires that members of the Board of Regents be elected by a joint convention of the state legislature to staggered six-year terms.<sup>i</sup> One-third of the board is elected each odd-numbered year. Minnesota law specifies that at least one regent reside in each of Minnesota's eight congressional districts. The four remaining regents are elected from the state at-large. Also, under law, one of the four at-large regents must be a University of Minnesota student at the time of the election.<sup>ii</sup>

## **The RCAC recruits and screens regent candidates, and makes recommendations to a joint legislative committee**

The Regent Candidate Advisory Council (RCAC) was established in 1988, in the wake of a 1986 report from a Minnesota Alumni Association study group that recommended creating a citizen search committee for regent candidates.<sup>iii</sup> The RCAC identifies, recruits, screens, and recommends qualified regent candidates to the legislature.<sup>iv</sup> The RCAC has 24 members, including two student members, with appointments split between the House of Representatives and the Senate.

The RCAC is required to develop selection criteria for recruiting regent candidates. In 2005, diversity became an explicit part of the criteria, including geography, gender, race, occupation, and experience. The selection criteria must not include a limit on the number of terms served by an individual regent.

The RCAC must make recommendations to the regent nomination joint legislative committee by January 15 of each odd-numbered year. The council must recommend two to four candidates for each vacant seat and submit a report that identifies the membership needs of the board.

## **The joint committee considers RCAC recommendations as well as new nominations, and makes its own recommendations to the joint convention**

The regent nomination joint committee was first established in 2005, when the governor was given a role in the nomination process. The governor's role was eliminated in 2007, but the joint committee remained. The joint committee meets to consider the RCAC's recommended candidates as well as any new nominations from committee members, and make recommendations to the joint legislative convention.<sup>v</sup> In making recommendations, the law requires the committee to consider the needs of the board, and its gender, racial, and ethnic balance.

The joint committee consists of the members of the higher education budget and policy divisions of the Senate and the House, with the Senate and House committee chairs serving as co-chairs. The joint committee must meet by February 28 of each odd-numbered year, or on a date set by concurrent resolution. For regent seats for specific congressional districts, a delegation of legislators from that district may present their own recommendation to the joint committee.<sup>vi</sup>

The joint committee may nominate and consider a candidate who is not recommended by the RCAC, but the nominee must be supported by at least two joint committee members from the Senate and three from the House. For each vacancy, the regent nomination joint committee may recommend only one candidate to the joint convention.<sup>vii</sup> A majority of the House members and a majority of the Senate members on the joint committee must support a candidate for that candidate to be recommended to the joint convention.

## A joint convention of the Senate and the House elects regents

The joint rules provide for the election of the regents at a joint convention of the House and Senate, as required by the University Charter. Under the joint rules, candidates recommended by the joint committee are considered to be nominated for the respective vacancy.<sup>viii</sup> Members of the legislature may submit additional nominations from the floor, and the joint rules govern voting on all nominations. The candidate for a regent vacancy who receives a majority of the votes cast is declared the winner.

## Irregular vacancies may be filled by the legislature or governor

If a vacancy arises due to a regent's death or resignation, a replacement can either be appointed by the governor or elected by the legislature (if it is in session) to serve out the remainder of the regent's term.<sup>ix</sup> If the governor appoints a replacement *before* the legislature elects a replacement, the governor's appointee serves only until the close of that annual or special legislative session in which the legislature elects a replacement. If the legislature elects a replacement *before* the governor makes an appointment, then there is no longer a vacancy for the governor to fill and the elected person immediately fills the vacancy. Finally, if the legislature fails to elect a replacement, and the governor appoints someone to fill the vacancy, the governor's appointee will serve until the close of that session, and continue to serve until the close of the session in which the legislature elects a replacement.

Statutes regarding the RCAC and joint committee only contemplate regular, odd-numbered year elections, but, when faced with an irregular vacancy, the legislature may choose to involve RCAC or the joint committee on an ad hoc basis as it sees fit.



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<sup>i</sup> See [Minn. Const. art. XIII, § 3](#), and [Minnesota Territorial Laws 1851, ch. 3, §§ 4–5](#).

<sup>ii</sup> See [Minn. Stat. §§ 137.023–024](#).

<sup>iii</sup> See [Regents Selection Process Study Group, Final Report and Recommendations, April 1, 1986](#).

<sup>iv</sup> See [Minn. Stat. § 137.0245](#).

<sup>v</sup> See [Minn. Stat. § 137.0246](#). In addition to any rules adopted by the joint committee itself, the operation of the joint committee is also governed by Rule 4.01 of the Joint Rules of the Senate and House of Representatives.

<sup>vi</sup> This congressional district recommendation is an informal procedure not provided for by statute or rule.

<sup>vii</sup> Several times, the joint committee has deadlocked on two candidates, neither of whom was able to receive the requisite vote threshold for recommendation. In those instances, the committee has voted to suspend its rules, and forward the names of both candidates to the joint convention.

<sup>viii</sup> See Rule 4.02 of the Joint Rules of the Senate and House of Representatives.

<sup>ix</sup> See [Minnesota Territorial Laws 1851, ch. 3, § 6](#); Letter from John Tunheim, Chief Deputy Att'y Gen., to Jane Tschida, RCAC Chair (Dec. 31, 1992) (on file with HRD).